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10 *Attorneys for Debtors and Reorganized Debtors*

11  
12 **UNITED STATES BANKRUPTCY COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

14  
15 **In re:**

16 **PG&E CORPORATION,**

17 **- and -**

18 **PACIFIC GAS AND ELECTRIC**  
19 **COMPANY,**

20 **Debtors.**

21  
22  Affects PG&E Corporation  
23  Affects Pacific Gas and Electric Company  
24  Affects both Debtors

25 \* *ALL PAPERS SHALL BE FILED IN THE*  
*LEAD CASE, NO. 19-30088 (DM)*

26 Case Nos. 19-30088 (DM)

(Lead Case) (Jointly Administered)

27  
28 **DECLARATION OF ROGER**  
**LEATHERMAN IN SUPPORT OF PG&E'S**  
**MEMORANDUM OF POINTS AND**  
**AUTHORITIES IN OPPOSITION TO**  
**MOTION FOR PARTIAL SUMMARY**  
**JUDGMENT AND COUNTER-MOTION**  
**FOR SUMMARY JUDGMENT**

Date: April 11, 2023  
Time: 10:00 a.m. (Pacific Time)  
Place: (Tele/Videoconference Only)  
United States Bankruptcy Court  
Courtroom 17, 16th Floor  
San Francisco, CA 94102

1 I, Roger Leatherman, declare:

2       1. I am a Principal Land Agent, Land Rights Support, for Pacific Gas and Electric  
3 Company. I have had served in this function since June, 2021. Prior to being promoted to  
4 Principal Land Agent, I was a Senior Land Agent and held that position since April 2013 and  
5 have held various positions within Pacific Gas and Electric Company's Land Department since  
6 2005.

7       2. I have personal knowledge of the facts set forth herein and can and do  
8 competently testify regarding the facts set forth in this declaration.

9       3. One of my duties and responsibilities at Pacific Gas and Electric Company is to  
10 prepare, file, record and retain records of various real property interests of Pacific Gas and  
11 Electric Company, including easements and rights of way.

12       4. PG&E retains records related to its land rights over third party property. These  
13 records are maintained in the ordinary course of business in a database known as the Land  
14 Rights Library. I have researched PG&E's land rights within the Land Rights Library with  
15 respect to its facilities located on the property referred to in this action as the Komir Property.  
16 PG&E or its predecessors in interest have multiple separate easements for the Transmission  
17 Lines that traverse the Komir Property. The easements were acquired over a period of time  
18 beginning in 1909. PG&E's Transmission Lines and the associated easements pertaining to the  
19 Komir Property all predate the purchase of the Komir Property by Komir, Inc. in 2000, which  
20 was by a grant deed recorded as Document Number 2000-160010 in the Official Records of the  
21 San Mateo County Recorder.

22       5. According to my research, PG&E has acquired the following easements related  
23 to the Komir property:

- 24           a. Exh A – Easement recorded on September 12, 1923 as depicted in Volume 87 of  
25              Official Records at Page 328 in the Office of the San Mateo Recorder.
- 26           b. Exh B – Easement recorded on March 3, 1923 as depicted in Volume 68 of  
27              Official Records at Page 208 in the Office of the San Mateo Recorder.

1                   c. Exh C – Easement recorded on May 21, 1910 as depicted in Volume 177 of  
2                   Deeds at Page 393 in the Office of the San Mateo Recorder.  
3                   d. Exh D – Easement recorded on March 3, 1923 as depicted in Volume 64 of  
4                   Official Records at Page 406 in the Office of the San Mateo Recorder  
5                 6. The Judgment in Condemnation for Case No. 175581 (Exhibit 6 in the  
6                   Claimant's Motion) states all costs for relocation of PG&E transmission lines and appurtenances  
7                   and natural gas lines and their appurtenances, as required for freeway construction on the airport  
8                   property, shall be pursuant to applicable State law and/or Master Contracts in effect between the  
9                   State and Pacific Gas and Electric Company. In my experience, the reference to Master  
10                  Contracts refers to that certain Freeway Master Contract entered into between the State  
11                  Department of Transportation (Caltrans) and PG&E in 1952, a true and correct copy of which is  
12                  attached hereto as Exhibit H. This Freeway Master Contract governs the work to accomplish  
13                  the relocation of PG&E's existing utility facilities that are necessitated by Caltrans' freeway  
14                  projects. Under the Freeway Master Contract Caltrans may order the relocation of PG&E's  
15                  utility facilities to new locations to accommodate freeway projects, and the relocation cost is  
16                  allocated between the parties in accordance to the nature of PG&E's land rights.

17                 7. In reviewing PG&E's business records, I determined that Caltrans requested a  
18                  relocation of certain Transmission Lines that were in conflict with the freeway project, but the  
19                  location of these facilities were on other portions of the property described in the condemnation  
20                  action. Specifically, the transmission facilities relocated were on Parcels 5A and 5B as shown  
21                  on Exhibit B to the Order of Possession, which is attached as Exhibit 5 of the Claimant's  
22                  Motion for Summary Judgment in this action. However, based on my review of the drawings  
23                  in the Order of Possession and PG&E's records that are described below, I determined the  
24                  Transmission Lines that extend over the Komir Property were not relocated to a new location.

25                 8. Attached as Exhibit F is a PG&E Line Review Drawing 202957 dated 7-29-  
26                  1946 which is a business record of the Land Department kept in the ordinary course of business.  
27                  Sheet 7 of this drawing depicts the tower lines that extend across what is identified in the  
28                  Complaint as the Komir Property. This drawing has been modified since it was created in

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DECLARATION OF ROGER LEATHERMAN

1       1946 to depict changes to PG&E's land rights associated with the Transmission Lines depicted  
2 on the drawing. The date of revisions to the drawing are identified in the revision block at the  
3 bottom of the drawing. The Komir Property is immediately south of the location of the PG&E  
4 Southerly Terminal identified on the drawing and colored in yellow.

5           9.       Attached as Exhibit G is Plan and Profile Drawing 377636 dated 7/26/2000  
6 which is a PG&E business record that is kept in the ordinary course of business. Sheet 7 of 13  
7 of this drawing depicts the plan and profile of the tower lines that extend across what is  
8 identified in this action as the Komir Property. This Plan and Profile Drawing has been  
9 modified since it was created in 2000 to depict changes to PG&E's Transmission Lines and  
10 related facilities depicted on the drawing. The date of revisions to the drawing are identified in  
11 the revision block at the bottom of the drawing. The Komir Property is immediately south of  
12 tower number 006/052 depicted on the drawing. The 2000 Plan and Profile Drawing identifies  
13 the tower lines in the same alignment as the 1946 Line Review Drawing.

14           10.      I have reviewed the Declaration of Brian Smith and Exhibits 1 and 2 to his  
15 declaration depicting photographs of the Transmission Lines and related facilities on the Komir  
16 Property. I have also reviewed the Declaration of Rob Sullivan and Exhibits A-E, reflecting the  
17 recorded PG&E easements at issue and the easement map at Exhibit E that depicts the  
18 placement of those easements on the Komir Property. The Transmission Lines at issue within  
19 the recorded PG&E easements are permanent structures that have been in place for several  
20 decades and would require heavy equipment to remove those Transmission Lines and facilities.  
21

22                   Executed at Oakland, California on the 1st of March 2023.

23                   I declare under penalty of perjury under the laws of the State of California that the  
24 foregoing is true and correct.

25                     
26                   Roger Leatherman  
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